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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,770	12/19/2001	Rajesh S. Agarwalla	AUS920010793US1	1227
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER BOUTAIL, ALINA A	
			ART UNIT 2443	PAPER NUMBER
			NOTIFICATION DATE 10/20/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

### Office Action Summary

**Application No.**

10/034,770

**Applicant(s)**

AGARWALLA ET AL.

**Examiner**

ALINA N. BOUTAH

**Art Unit**

2443

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 11-17 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-17 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 1-7, 11-17 and 21-27 in the reply filed on July 9, 2008 is acknowledged.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 21-27, "computer-readable medium" is not statutory because it is not limited to hardware, but it is also directed to inoperative medium such as "paper" and transmission-type media such as "digital and analog communication links" (see i.e. specification, page 156, lines 28-29).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-17 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daugherty et al. (US 6,345,292) in view of Smith et al. (US 2003/0167355).

Regarding claim 1, Daugherty teaches a method for processing objects within a data processing system in a network, the method comprising:

receiving a request message at a first computing device, wherein the request message comprises a source identifier for a fragment (abstract; col. 1, lines 62-63; col. 5, lines 4-5 and 15-16 – receiving a request from a user, the request comprising URL);

performing a first determination for whether or not the request message has been processed by a second computing device that has a fragment-supporting cache management unit (col. 6, lines 39-43);

receiving a response message at the computing device, wherein the response message comprises the fragment (col. 6, lines 39-43; col. 7, lines 9-35);

caching the fragment if the first computing device can determine that the second computing device has a fragment-supporting cache management unit (col. 7, lines 20-35); and

caching the fragment based on the first determination (col. 7, lines 20-25).

However, Daugherty does not explicitly teach determining whether or not to cache the fragments.

In an analogous art, Smith teaches a cache-control directive that specifies whether or not to cache fragments [0669]. Given the teaching of Smith, one of ordinary skill in the art would have been motivated to determine whether or not to cache a fragment in order to specify when to cache and when not to cache to ensure that only needed fragment is cached, therefore allowing the cache server to be more efficient.

Regarding claim 2, Daugherty does not explicitly teach the method of claim 1 wherein the first determination further comprises: retrieving from the request message a message header comprising a directive that indicates that the request message has been processed by a second computing device that has a fragment-supporting cache management unit. Smith teaches retrieving from the request message a message header comprising a directive that indicates that the request message has been processed by a second computing device that has a fragment-supporting cache management unit [0669]. Given the teaching of Smith, one of ordinary skill in the art would have been motivated to determine whether or not to cache a fragment in order to specify when to cache and when not to cache to ensure that only needed fragment is cached, therefore allowing the cache server to be more efficient.

Regarding claim 3, Daugherty does not explicitly teach the method of claim 1, wherein the second determination further comprises: retrieving from the response message a message header comprising a directive that indicates that the fragment is

not to be cached by the first computing device if the second computing device has a fragment-supporting cache management unit. Smith teaches retrieving from the request message a message header comprising a directive that indicates that the request message has been processed by a second computing device that has a fragment-supporting cache management unit [0669]. Given the teaching of Smith, one of ordinary skill in the art would have been motivated to determine whether or not to cache a fragment in order to specify when to cache and when not to cache to ensure that only needed fragment is cached, therefore allowing the cache server to be more efficient.

Regarding claim 4, Daugherty does not explicitly teach the method of claim 3 wherein the response message comprises an HTTP (Hypertext Transport Protocol) Cache-Control header with a private directive. Smith teaches retrieving from the request message a message header comprising a directive that indicates that the request message has been processed by a second computing device that has a fragment-supporting cache management unit [0669]. Given the teaching of Smith, one of ordinary skill in the art would have been motivated to determine whether or not to cache a fragment in order to specify when to cache and when not to cache to ensure that only needed fragment is cached, therefore allowing the cache server to be more efficient.

Regarding claim 5, Daugherty teaches the method of claim 1 further comprising: in response to the first determination being negative or the second determination being

negative, storing the fragment in a cache maintained by a cache management unit within the computing device (col. 7, lines 20-35).

Regarding claim 6, Daugherty teaches the method of claim 1 wherein the source identifier is formatted as a URI (Uniform Resource Identifier) (col. 5, lines 14-16).

Regarding claim 7, Daugherty teaches the method of claim 1 wherein the response message is an HTTP (Hypertext Transport Protocol) Response message and the request message is an HTTP request message (col. 5, lines 25-30).

Claims 11-17 and 21-27 are similar to claims 1-7, therefore are rejected under the same rationale.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience

of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 5:00 pm).



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alina N Boutah/  
Examiner, Art Unit 2443